

THE STATE OF NEW HAMPSHIRE
NEW HAMPSHIRE BOARD OF MEDICINE

In Re: Andrew H. Glatt, M.D.
No.: 9771

SETTLEMENT AGREEMENT

1. In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of medicine, the New Hampshire Board of Medicine (“NH Board”) and Andrew H. Glatt, M.D. (“Dr. Glatt” or “Respondent”), a physician licensed by the Board, do hereby stipulate and agree to resolve certain issues involving a license restriction and conditions placed upon Dr. Glatt by the Medical Board of California.

2. Pursuant to RSA 329:17-c, the NH Board has jurisdiction to conduct a reciprocal proceeding against a physician upon receipt of an order from the licensing authority of another jurisdiction that it has issued a restricted license to the physician. Pursuant to RSA 329:18-a, III, the NH Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.

3. When reciprocal proceedings are conducted, the NH Board is authorized to impose any disciplinary sanction permitted by Chapter RSA 329, including actions or sanctions that are more stringent than those imposed by the foreign jurisdiction.

4. If a hearing were conducted in this case, the issues to be addressed would concern the Medical Board of California’s issuance to Dr. Glatt of a restricted license and its requirement that he fulfill certain conditions to maintain his license due to self-reported substance abuse and mental health issues.

5. In support of the grounds upon which the NH Board could conduct proceedings against Respondent, the Board states:

- A. The NH Board received notice that Respondent had been issued a probationary and restricted license by the Medical Board of California. A copy of the final administrative orders were obtained from the Medical Board of California. (Attachment 1 and 2) Details concerning the basis for the restricted and probationary license are described therein.
- B. Respondent entered into the administrative final order with the Medical Board of California in May of 2006. The order was effective August 1, 2006.

6. Respondent acknowledges the NH Board's authority to enter a reciprocal order pursuant to RSA 329:17-c and based upon the order of the Medical Board of California.

7. Respondent consents to the following reciprocal action by the NH Board:

- A. Respondent's license to practice medicine in the State of New Hampshire is under probationary status for a period of seven years, retroactive to August 1, 2006.. During the probationary period Respondent's license is restricted to prohibit him from supervising physician assistants. Should Respondent wish to remove these limitations, he must apply to the NH Board in writing and request a show cause hearing where he may present evidence to the NH Board as to why the limitation should be removed.
- B. Respondent must abide by all other conditions placed upon him by the Medical Board of California as stated on pages 2-5 of the attached Stipulation for a Probationary License. (Attachment 2) Should Respondent relocated to live in New Hampshire, Respondent must notify the NH Board immediately

and the NH Board shall have the opportunity to craft a similar program for Respondent that may be followed in New Hampshire.

- C. The Board may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license.
- D. Within ten (10) days of the effective date of this agreement Respondent shall furnish a copy of this *Settlement Agreement* to any current employer for whom Respondent performs services as a physician or work which requires a physician's license and to any agency or authority which licenses, certifies or credentials physicians, with which Respondent is presently affiliated.
- E. For a continuing period of seven (7) years from the effective date of this *Settlement Agreement*, Respondent shall furnish a copy of this *Settlement Agreement* to any employer to which Respondent may apply for work as a physician or for work in any capacity which requires a medical degree and/or medical license or directly or indirectly involves patient care, and to any agency or authority that licenses, certifies or credentials physicians, to which Respondent may apply for any such professional privileges or recognition.

8. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 329:17, VI (d) and a separate and sufficient basis for further disciplinary action by the Board.

9. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the NH Board based upon the misconduct described above. However, the NH Board may consider this misconduct as evidence of a pattern of conduct in the

event that similar misconduct is proven against Respondent in the future. Additionally, the NH Board may consider the fact that this license restriction was imposed by this Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.

10. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the NH Board as a public document.

11. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.

12. The NH Board agrees that in return for Respondent executing this *Settlement Agreement*, the NH Board will not proceed with the formal hearing process based upon the facts described herein.

13. Respondent understands that his action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.

14. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this agreement.

15. Respondent understands that the NH Board must review and accept the terms of this *Settlement Agreement*. If the NH Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the NH Board during its review of this *Settlement Agreement* have prejudiced his right to a fair and impartial hearing in the future if the Board rejects this *Settlement Agreement*.

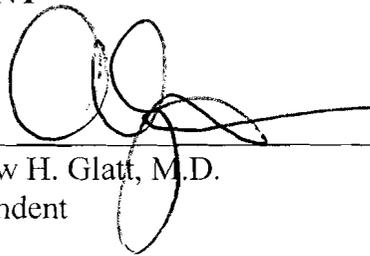
16. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.

17. Respondent certifies that he has read this document titled *Settlement Agreement*. Respondent understands that he has the right to a formal hearing concerning this matter and that at said hearing he would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, he waives these rights as they pertain to the misconduct described herein.

18. This *Settlement Agreement* shall take effect as an Order of the NH Board on the date it is signed by an authorized representative of the NH Board.

FOR RESPONDENT

Date: 1/31/07



Andrew H. Glatt, M.D.
Respondent

Date: _____

Counsel for Respondent

FOR THE BOARD/*

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date: 3/13/07

Penny Taylor
(Signature)

PENNY TAYLOR
(Print or Type Name)
Authorized Representative of the
New Hampshire Board of Medicine

171228

BEFORE THE
DIVISION OF LICENSING
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Application of:)
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ANDREW HOWARD GLATT)
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Respondent.)

File No: 20-2006-176108

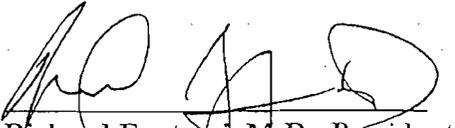
DECISION AND ORDER

The attached Stipulation for a Probationary License is hereby accepted and adopted as the Decision and Order by the Division of Licensing of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 1, 2006. The license will only be issued and probation will commence upon completion of any remaining requirements for licensure.

IT IS SO ORDERED August 1, 2006

MEDICAL BOARD OF CALIFORNIA


Richard Fantozzi, M.D., President
Division of Licensing

BEFORE THE
DIVISION OF LICENSING
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Application of:)	File No: 20-2006-176108
)	
ANDREW HOWARD GLATT)	STIPULATION FOR A
)	PROBATIONARY LICENSE
For a Physician and Surgeon's)	
License)	

- 1) Andrew Glatt, applicant for a physician and surgeon's license, and Kimberly Kirchmeyer, Acting Chief of the Licensing Program, Medical Board of California, hereby stipulate as follows:
- 2) This 40 year old applicant is a 1993 graduate of the Medical College of Virginia. He has satisfactorily completed the required one year of postgraduate training. The applicant is licensed to practice medicine in New Hampshire.
- 3) On May 29, 2003, the applicant submitted an application for physician's and surgeon's medical licensure to the Medical Board of California. In response to Question # 22 pertaining to conditions which may limit or impair his ability to practice medicine, he checked the box marked "YES". He signed his application on May 15, 2003, attesting that he had read the complete application and that all of the information contained in his application was true and correct. He also acknowledged that he understood falsification or misrepresentation of any item or response on the application is a sufficient basis for denying or revoking a license.
- 4) The applicant submitted a statement with his application in response to Question #22, indicating that he had undergone assessments and treatment for multiple addictions and a mental health condition. Staff has carefully monitored the applicant's treatment and recovery progress of his disclosed addictions and medical condition. Based upon all of the documentation submitted and a comprehensive psychiatry evaluation, staff recommends that the applicant enter into a formal monitored program to continue maintenance of his recovery and rehabilitation of his addictions and medical condition.
- 5) Section 480(a) of the Business and Professions Code states that a Board may deny a license on the grounds that the applicant has one of the following: (a)(3) Done any act which if done by a licentiate of the business and profession in question, would be grounds for suspension or revocation of a license. The above findings support a conclusion that grounds for denial exist pursuant to Section 480(a)(3).

Andrew Howard Glatt
May 10, 2006
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- 6) Under Section 820 of the Business and Professions Codes, the Division of Licensing of the Medical Board of California may require examinations or assessments by a psychiatrist, psychologist or physician to determine whether a licentiate (or applicant) is safe to practice medicine in an unrestricted manner in the State of California.
- 7) Under Section 822 of the Business and Professions Codes, the Division of Licensing of the Medical Board of California may take actions of revocation, suspension, probation or any other appropriate action on a license in an effort to ensure appropriate public protection.
- 8) Under Section 2221 of the Business and Professions Code, the Division of Licensing of the Medical Board of California may deny a license to an applicant because of unprofessional conduct. Or, as an alternative, the Division has the discretionary authority to issue a probationary license on terms and conditions.
- 9) The applicant acknowledges he has a right to request a Statement of Issues and hearing upon denial of license for cause. Applicant waives notice of hearing and judicial review in favor of this Stipulation for a Probationary License, which is subject to approval by the Division. If not approved, this Stipulation is null and void and may not be used for any purpose.
- 10) This Stipulation for a Probationary License shall be subject to approval by the Division of Licensing. Applicant understands and agrees that counsel for the staff of the Medical Board of California may communicate directly with the Division regarding this proposed Stipulation, without notice to or participation by applicant or his counsel. By signing the Stipulation, applicant understands and agrees that he may not withdraw his agreement or seek to rescind the Stipulation prior to the time the Division considers and acts upon it. If the Division fails to adopt this Stipulation, the offer of a Stipulation for a Probationary License shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Division shall not be disqualified from further action by having considered this matter.

The staff recommends to the Division that a Probationary License be issued as follows:

ORDER

IT IS ORDERED that ANDREW HOWARD GLATT, applicant, be issued a physician and surgeon's license on a probationary basis, subject to the following terms and conditions:

- 1) Applicant is placed on probation for a period of seven years. Probation shall begin on the date the applicant is issued a probationary license.
- 2) Within 30 calendar days from the effective date of this Decision, respondent shall enroll and participate in the Board's Diversion Program until the Diversion Program determines that further treatment and rehabilitation are no longer necessary. Quitting the program without permission or being expelled for cause shall constitute a violation of probation by the applicant.

- 3) Applicant shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code Section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to applicant by another practitioner for a bona fide illness or condition.
- 4) Applicant shall abstain completely from the use of alcoholic beverages.
- 5) Applicant shall immediately submit to biological fluid testing, at applicant's expense, upon the request of the Division or its designee. A certified copy of any laboratory test results may be received in evidence in any proceedings between the Board and the applicant. Failure to submit to, or failure to complete the required biological fluid testing, is a violation of probation.
- 6) Within 60 calendar days of the effective date of this Decision, applicant shall submit to the Division or its designee for prior approval the name and qualifications of a board certified psychiatrist or a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. Upon approval, applicant shall undergo and continue psychotherapy treatment, including any modifications to the frequency of psychotherapy, until the Division or its designee deems that no further psychotherapy is needed. Applicant shall have the treating psychotherapist submit quarterly status reports to the Division or its designee. The Division or its designee may require applicant to undergo psychiatric evaluations by a Division-appointed psychiatrist and shall require such an evaluation prior to termination of probation. If, at the termination of probation, applicant is found not to be mentally fit to resume the practice of medicine without restrictions, the Division or its designee shall retain continuing jurisdiction over the applicant's license and the period of probation shall be extended until the Division or its designee determines that the applicant is mentally fit to resume the practice of medicine without restrictions. The applicant shall pay the cost of therapy and evaluations.
- 7) Prior to engaging in the practice of medicine the applicant shall provide a true copy of the Stipulation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to applicant, at any other facility where applicant engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to applicant. Applicant shall submit proof of compliance to the Division or its designee within 15 calendar days.
- 8) During probation, applicant is prohibited from supervising physician assistants.
- 9) Applicant shall obey all federal, state and local laws, all rules governing the practice of medicine in California.

10) Applicant shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all conditions of probation. Applicant shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

11) Applicant shall comply with the Division's probation unit. Applicant shall, at all times, keep the Division informed of applicant's business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Division or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code Section 2021(b).

Applicant shall not engage in the practice of medicine in applicant's place of residence. Applicant shall maintain a current and renewed California physician's and surgeon's probationary license.

Applicant shall immediately inform the Division or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

12) Applicant shall be available in person for interviews either at applicant's place of business or at the probation unit office, with the Division or its designee upon request at various intervals and either with or without prior notice throughout the term of probation.

13) In the event applicant should leave the State of California to reside or to practice applicant shall notify the Division or its designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any period of time exceeding thirty calendar days in which applicant is not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

All time spent in an intensive training program outside the State of California which has been approved by the Division or its designee shall be considered as time spent in the practice of medicine within the State. A Board-order suspension of practice shall not be considered as a period of non-practice. Periods of temporary or permanent residence or practice outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve applicant of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws (condition #9) and Probation Unit Compliance (condition #11).

Applicant's license shall be automatically cancelled if applicant's periods of temporary or permanent residence or practice outside California totals two years. However, applicant's license shall not be cancelled as long as applicant is residing and practicing medicine in another state of the United States and (1) is on active probation with the medical licensing authority of that state, in which case the two year period shall begin on the date probation is completed or terminated in

that state or (2) is enrolled in and participating in a postgraduate residency program approved by the Accreditation Council for Graduate Medical Education, in which case the two-year period shall begin on the date the applicant ceases to participate in or completes the residency program.

14) In the event applicant resides in the State of California and for any reason applicant stops practicing medicine in California, applicant shall notify the Division or its designee in writing within 30 calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary term and does not relieve applicant of the responsibility to comply with the terms and conditions of probation. Non-practice is defined as any period of time exceeding thirty calendar days in which applicant is not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

All time spent in an intensive training program that has been approved by the Division or its designee shall be considered time spent in the practice of medicine. For purposes of this condition, non-practice due to a Board-ordered suspension or in compliance with any other condition of probation, shall not be considered a period of non-practice.

Applicant's license shall be automatically canceled if applicant resides in California and for a total of two years, and fails to engage in California in any of the activities described in Business and Professions Code Sections 2051 and 2052.

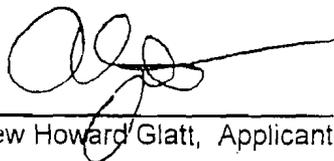
15) The Division of Licensing reserves the right to evaluate the applicant's probationary history at or near the end of the probationary period and to exercise its discretion whether to grant a clear license without conditions, or to take any other action deemed appropriate and reasonable under the circumstances.

16) Failure to fully comply with any term or condition of probation is a violation of probation. If applicant violates probation in any respect, the Division, after giving applicant notice and the opportunity to be heard, may revoke probation and terminate the probationary license. If an accusation or petition to revoke probation is filed against the applicant during probation, the Division or its designee shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

17) Following the effective date of this Decision, if applicant ceases practice due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, applicant may request the voluntary surrender of applicant's license. The Division reserves the right to evaluate applicant's request and to exercise its discretion whether or not to grant the request, or to take any other action deemed appropriated and reasonable under the circumstances. Upon formal acceptance of the surrender, applicant shall within 15 calender days deliver applicant's wallet and wall certificate to the Division or its designee and applicant shall no longer practice medicine. Applicant will no longer be subject to the terms and conditions of probation and the surrender of applicant's license shall be deemed disciplinary action. If applicant re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

Andrew Howard Glatt
May 10, 2006
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Applicant agrees to comply with the terms and conditions of the above Order.



Andrew Howard Glatt, Applicant

5/26/06

Date



Kimberly Kirchmeyer, Acting Chief of Licensing

5/31/06

Date